IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2647 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE N.G.NANDI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

@

UNION OF INDIA

Versus

RAMABHAI MANGABHAI RAVAL

Appearance:

1. Special Civil Application No. 2647 of 1999

MS PJ DAVAWALA for Petitioners

MR PH PATHAK for Respondent

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE N.G.NANDI

Date of decision: 27/07/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

Rule. Mr.P.H.Pathak appears and waives service of rule on behalf of respondent. With the consent of learned advocates for parties matter is finally heard today.

2. This petition is directed against the interim order dated 5.2.1999 passed by the Central Administrative Tribunal in M.A.No.586/98 during pendency of Original Application No.266/96. Ld.counsel for the petitioner has submitted that this interim order amounts to final order and the same should not have been passed at the interim stage. Having gone through the order, we find that the direction is only to permit the exercise of option to come over to revised payscale as per the 5th Pay Commission recommendations and if he does so to fix his pay in the corresponding revised payscale and allow him to draw his emoluments accordingly and also grant him the arrears, and that this was required to be done within a period of ten days from the date of receipt of copy of the order. It has also been mentioned by the tribunal that this direction is subject to final directions as may be given by the tribunal in Original Application No.266/96.

3. Having heard learned counsel for parties we find it proper to modify this order dated 5.2.1999 so as to delete the direction with regard to payment of arrears at this stage. Rest of the order as has been passed by the tribunal remains. Rule is made absolute to the aforesaid extent. No order as to costs.

27.7.2001 (M.R.CALLA,J)

mty (N.G.NANDI,J)